

Jan 18, 2018

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

RONALD ROSCOE HEVEWAH,

Petitioner,

v.

DONALD HOLBROOK,

Respondent.

No. 2:17-CV-00276-EFS

**ORDER DENYING § 2254 PETITION**

By Order filed November 1, 2017, the Court advised Mr. Holbrook, a prisoner at the Washington State Penitentiary, of the deficiencies of his pro se Petition for Writ of Habeas Corpus by a Person in State Custody pursuant to 28 U.S.C. § 2254. The Court directed Mr. Holbrook to amend within 60 days. ECF No. 10. Specifically, he was instructed to allege facts showing he had exhausted each of his claims to the Washington State Supreme Court.

The Court cautioned Mr. Holbrook that failure to amend would result in denial of the petition. ECF No. 10 at 6. Mr. Holbrook did not amend as directed and has filed nothing further in this action.

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Accordingly, for the reasons set forth above and in the Order to Amend, ECF No. 10, **IT IS HEREBY ORDERED:**

1. The Petition is **DENIED without prejudice** for failure to exhaust remedies in state court. *See Baldwin v. Reese*, 541 U.S. 27 (2004).

2. The Clerk's Office is directed to **ENTER** a judgment of dismissal without prejudice and **CLOSE** the file.

3. The Court certifies there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).

IT IS SO ORDERED. The Clerk of Court is directed to enter this Order and provide a copy to Mr. Holbrook.

**DATED** this 18<sup>th</sup> \_ day of January 2018.

s/Edward F. Shea  
EDWARD F. SHEA  
Senior United States District Judge